

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-LHK (SVK)

**ORDER ON ADMINISTRATIVE
MOTIONS FOR LEAVE TO FILE
UNDER SEAL**

Re: Dkt. Nos. 291, 354, 356, 360, 361

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 291, 354, 356, 360, 361; *see also* Dkt. 303, 376.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 291

Document Sought to be Sealed	Court’s Ruling on Motion to Seal	Reason(s) for Court’s Ruling
Motion Seeking Relief (Dkt. 291-2)	GRANTED as to redacted portions at: Page 1 Lines 6-11 Page 2 Lines 25-27 Page 3 Lines 1-4, 21-22 Page 5 Lines 17, 23 Page 8 Lines 3-5 Page 9 Lines 11, 16 Page 10 Lines 9-11 Page 11 Lines 14-17 Page 12 Lines 1, 11, 13 Page 14 Lines 17, 19, 22-27 Page 15 Lines 1-10	Narrowly tailored to protect confidential technical information regarding the operation of Google’s products and systems, including the various types of Google’s internal identifiers/cookies and their proprietary functions, the various types of logs maintained by Google, and information contained in those logs, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors.
Exhibit E to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-7)	GRANTED as to redacted portions at: Pages 1-2.	Narrowly tailored to protect confidential technical information regarding the operation of Google’s products and systems, including the various types of Google’s internal identifiers/cookies and their

		proprietary functions that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit F to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-8)	GRANTED as to the document in its entirety	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's operations and consumer data, including Google's internal data storage infrastructure, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit H to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-9)	GRANTED as to redacted portions at: Pages 2, 4	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of logs maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit I to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-10)	GRANTED as to redacted portions at: Page 2	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of logs maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit J to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-11)	GRANTED as to the document in its entirety	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, that Google

		maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit K to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-12)	GRANTED as to redacted portions at: Pages 1-3, 5-12	Narrowly tailored to protect (1) confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of databases maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors and (2) Plaintiffs' sensitive information.
Exhibit L to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-13)	GRANTED as to redacted portions at: Pages 2-9	Narrowly tailored to protect (1) confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of databases maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors and (2) Plaintiffs' sensitive information.

2. Dkt. 354

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
December 16, 2021 Joint Submission	GRANTED as to portions highlighted in yellow at: 2:23, 2:25, 2:27-28, 3:7, 3:10-11, 5:14-16	Narrowly tailored to protect information that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

3. Dkt. 356

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
December 17, 2021 Joint Submission	GRANTED as to portions highlighted in yellow at: 2:19	Narrowly tailored to protect information that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

4. Dkt. 360

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
GOOG-BRWN-00409986 (Dkt. 360-1)	GRANTED as to redacted portions at: Pages 1-2	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal project, links, and goals, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, documents, and practices relating to competing products.
GOOG-BRWN-00226088 (Dkt. 360-2)	GRANTED as to redacted portions at: page 3	The information requested to be sealed contains Google's confidential and proprietary information regarding encryption of Google's produced document, that Google maintains as confidential in the ordinary course of its business and is not generally known to

		the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information may place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal documents subject to the Protective Order in this case.
GOOG-BRWN-00225677 (Dkt. 360-4)	GRANTED as to redacted portions at: page 4	The information requested to be sealed contains Google's confidential and proprietary information regarding encryption of Google's produced document, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information may place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal documents subject to the Protective Order in this case. .
GOOG-BRWN-00477510 (Dkt. 360-5)	GRANTED as to redacted portions at: Redacted in its entirety	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal research and methodology, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as

		competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects and practices relating to competing products.
GOOG-CABR-03750737 (Dkt. 360-9)	GRANTED as to redacted portions at: Pages 8-10, 16, 17, 21	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to proprietary and potential features of its product, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's features and practices relating to competing products.
GOOG-BRWN-00140297 (Dkt. 360-14)	GRANTED as to redacted portions at: Pages 15, 17, 20-23, 27, 29, 31-33	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to proprietary and potential features of its product, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect

		Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's features and practices relating to competing products.
GOOG-CABR-04991831 (Dkt. 360-15)	GRANTED as to redacted portions at: page 1	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal projects and proprietary and potential features of its product, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, features, and practices relating to competing products.
GOOG-CABR-05269357 (Dkt. 360-16)	GRANTED as to redacted portions at: Redacted in its entirety	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal projects and products and their proprietary features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and

		proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, features and practices relating to competing products.
GOOG-BRWN-00457784 (Dkt. 360-17)	GRANTED as to redacted portions at: page 1	The information requested to be sealed contains Google's confidential and proprietary information regarding Google's internal systems and operations, including details related to internal projects and discussions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, features, and practices relating to competing products.
GOOG-BRWN-00048967.C (Dkt. 360-18)	GRANTED as to redacted portions at: Page 33	The information requested to be sealed contains Google's confidential and proprietary information regarding encryption of Google's produced document, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information may place Google at an increased risk of cyber security threats, as third parties may

		seek to use the information to compromise Google's internal documents subject to the Protective Order in this case.
GOOG-BRWN-00388293 (Dkt. 360-19)	GRANTED as to redacted portions at: pages 1, 3	The information requested to be sealed contains Google's confidential and proprietary information regarding Google's internal systems and operations, including details related to internal projects and discussions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, features, and practices relating to competing products.
GOOG-CABR-00501220 (Dkt. 360-20)	GRANTED as to redacted portions at: page 2-3, 5-6	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal projects and proprietary and potential features of its product, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats,

		as third parties may seek to use the information to compromise Google's internal projects, features, and practices relating to competing products.
GOOG-CABR-05269678 (Dkt. 360-21)	GRANTED as to redacted portions at: Pages 3, 9-13, 15, 18-20, 22-25, 27, 30-32	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal projects and proprietary and potential features of its product, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal projects, features, and practices relating to competing products.
24. Mardini Transcript (Excerpt) (Dkt. 360-24)	GRANTED as to redacted portions at: 306:10	The information requested to be sealed contains Google's confidential and proprietary information regarding Google's internal systems and operations, including details related to internal projects, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the

information to compromise Google's internal projects and practices relating to competing products.

5. Dkt. 361

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Exhibits relied upon by Google in its portion of the Joint Submission Re: Deposition of Google Officer Sundar Pichai	GRANTED	See Dkt. 358

SO ORDERED.

Dated: January 6, 2022



SUSAN VAN KEULEN
United States Magistrate Judge